

Ordinance



City Council
City of Wilmington
North Carolina

Introduced By: Sterling B. Cheatham, City Manager

Date: 8/21/2012

**Ordinance Amending the Land Development Code Chapter 18,
Article 6, Section 18-248, Accessory Apartments, Detached
(LDC-8-512)**

LEGISLATIVE INTENT/PURPOSE:

WHEREAS, NCGS Section 160A-385 authorizes local governments to amend ordinances regulating land use within their jurisdiction; and

WHEREAS, the amendment set out below is made in accordance with NCGS Section 160A-364 and Article 3, Section 18-117 of the Land Development Code; and

WHEREAS, the amendment set out below is intended to promote the public health, safety, and welfare by amending the Land Development Code to provide guidelines for the operation of bed and breakfast uses as a home occupation.

THEREFORE, BE IT ORDAINED:

SECTION 1: Chapter 18, Article 6, Section 18-248(b), of the Wilmington City Code is hereby amended to read as follows:

Sec. 18-248. Accessory apartments, detached.

- (b) The entire structure shall not exceed thirty-five (35) percent of the gross total enclosed heated square footage of the existing single family dwelling or one thousand two hundred (1,200) square feet, whichever is less;

SECTION 2: That any person violating the provisions of this ordinance shall be subject to the penalties set forth in Article XIV, Section 18-52 of the Land Development Code.

SECTION 3: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 4: That if any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent

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CITY CLERK
Thelma Spicer Sidbury

jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5: That this ordinance shall be effective immediately upon its adoption.

Adopted at a regular meeting
on August 21, ~~2011~~, 2012.

Attest:

Penelope Spicer
Penelope Spicer-Sidbury, City



Bill Saffo
Bill Saffo, Mayor

Approved As To Form:

Keith E. Lee
City Attorney